

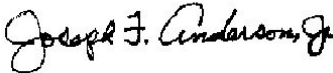
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Randall K. Mason; Lucretia A. Mason,)	C/A: 3:11-2468-JFA
)	
Plaintiff,)	
vs.)	ORDER
)	
Bank of America, N.A.; and BAC Home)	
Loans Servicing, LP,)	
)	
Defendants.)	
_____)	

The defendant has moved to dismiss the original complaint in this action, and plaintiff has moved to stay or deny the motion to dismiss as moot. The plaintiff's motion is premised upon the fact that an amended complaint has now been filed in this action. Although no motion to amend accompanies the proposed amended complaint, the court will deem such a motion to be implied in the motion to stay or deny as moot. The court finds that no prejudice will inure to the defendant if the complaint is amended at this early stage of the litigation. Accordingly, the motion to amend the complaint is granted. The plaintiff shall forthwith file and serve the amended complaint upon the defendants. The motion to dismiss the original complaint is dismissed as moot, with leave to the defendant to file a motion to dismiss the amended complaint, if the defendant so desires.

IT IS SO ORDERED.

October 11, 2011
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge